

AMENDED IN ASSEMBLY APRIL 27, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2151

Introduced by Assembly Member Chu

February 17, 2016

An act to amend Section 11450 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2151, as amended, Chu. CalWORKs: special diet or food preparation needs allowance.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients, including an allowance *of \$10 for each eligible recipient for recurring special needs, as specified: which includes special diets, upon the recommendation of a physician for conditions other than pregnancy, and unusual costs of transportation, laundry, housekeeping services, telephone, and utilities.*

This bill would *include food preparation needs within the recurring special needs for which a recipient may receive the \$10 monthly allowance. The bill would also* require that an additional allowance be paid each month in the amount of \$20 or actual expenses, whichever is greater, to a recipient who has a special, diet-related food need caused by a permanent or temporary medical condition, other than pregnancy.

~~The bill would require the verification to be signed by a licensed physician, dentist, dietician, nutritionist, or other qualified health practitioner. The bill would require verification of the recipient's medical condition by a health care provider, as specified.~~ By increasing the administrative duties of counties administering the CalWORKs program, the bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11450 of the Welfare and Institutions
2 Code is amended to read:
3 11450. (a) (1) (A) Aid shall be paid for each needy family,
4 which shall include all eligible brothers and sisters of each eligible
5 applicant or recipient child and the parents of the children, but
6 shall not include unborn children, or recipients of aid under Chapter
7 3 (commencing with Section 12000), qualified for aid under this
8 chapter. In determining the amount of aid paid, and notwithstanding
9 the minimum basic standards of adequate care specified in Section
10 11452, the family's income, exclusive of any amounts considered
11 exempt as income or paid pursuant to subdivision (e) or Section
12 11453.1, determined for the prospective semiannual period
13 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
14 calculated pursuant to Section 11451.5, shall be deducted from
15 the sum specified in the following table, as adjusted for
16 cost-of-living increases pursuant to Section 11453 and paragraph
17 (2). In no case shall the amount of aid paid for each month exceed
18 the sum specified in the following table, as adjusted for

cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), and (f):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

(B) If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of former Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) (1) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant child who is 18 years of age or younger at any time after verification of pregnancy, in the amount that would otherwise be paid to one

1 person, as specified in subdivision (a), if the child and her child,
2 if born, would have qualified for aid under this chapter. Verification
3 of pregnancy shall be required as a condition of eligibility for aid
4 under this subdivision.

5 (2) Notwithstanding paragraph (1), when the family does not
6 include a needy child qualified for aid under this chapter, aid shall
7 be paid to a pregnant woman for the month in which the birth is
8 anticipated and for the six-month period immediately prior to the
9 month in which the birth is anticipated, in the amount that would
10 otherwise be paid to one person, as specified in subdivision (a), if
11 the woman and child, if born, would have qualified for aid under
12 this chapter. Verification of pregnancy shall be required as a
13 condition of eligibility for aid under this subdivision.

14 (3) Paragraph (1) shall apply only when the Cal-Learn Program
15 is operative.

16 (c) The amount of forty-seven dollars (\$47) per month shall be
17 paid to pregnant women qualified for aid under subdivision (a) or
18 (b) to meet special needs resulting from pregnancy if the woman
19 and child, if born, would have qualified for aid under this chapter.
20 County welfare departments shall refer all recipients of aid under
21 this subdivision to a local provider of the Women, Infants, and
22 Children program. If that payment to pregnant women qualified
23 for aid under subdivision (a) is considered income under federal
24 law in the first five months of pregnancy, payments under this
25 subdivision shall not apply to persons eligible under subdivision
26 (a), except for the month in which birth is anticipated and for the
27 three-month period immediately prior to the month in which
28 delivery is anticipated, if the woman and child, if born, would have
29 qualified for aid under this chapter.

30 (d) For children receiving AFDC-FC under this chapter, there
31 shall be paid, exclusive of any amount considered exempt as
32 income, an amount of aid each month that, when added to the
33 child's income, is equal to the rate specified in Section 11460,
34 11461, 11462, 11462.1, or 11463. In addition, the child shall be
35 eligible for special needs, as specified in departmental regulations.

36 (e) (1) In addition to the amounts payable under subdivision
37 (a) and Section 11453.1, a family shall be entitled to receive an
38 allowance for recurring special needs not common to a majority
39 of recipients. These recurring special needs shall include, but not
40 be limited to, food preparation needs and unusual costs of

1 transportation, laundry, housekeeping services, telephone, and
2 utilities. The recurring special needs allowance for each family
3 per month shall not exceed that amount resulting from multiplying
4 the sum of ten dollars (\$10) by the number of recipients in the
5 family who are eligible for assistance.

6 (2) Each recipient is entitled to a special, diet-related food needs
7 allowance of twenty dollars (\$20) per month, or actual verified
8 expenses related to the special, diet-related food needs, whichever
9 is greater. The allowance shall be provided in the form of a
10 supplemental food benefit upon a county's receipt of verification
11 that a recipient has a special dietary need caused by a permanent
12 or temporary medical condition, other than pregnancy. This
13 verification shall be signed by a licensed physician, dentist,
14 ~~dietician, nutritionist, or physician's assistant, or nurse practitioner~~
15 *who has examined the patient, or other qualified health practitioner.*
16 *care provider to whom the recipient has been referred. For*
17 *verifications signed by a health care provider as a result of a*
18 *referral, the verification also shall include the name and address*
19 *of the referring provider.*

20 (f) After a family has used all available liquid resources, both
21 exempt and nonexempt, in excess of one hundred dollars (\$100),
22 with the exception of funds deposited in a restricted account
23 described in subdivision (a) of Section 11155.2, the family shall
24 also be entitled to receive an allowance for nonrecurring special
25 needs.

26 (1) An allowance for nonrecurring special needs shall be granted
27 for replacement of clothing and household equipment and for
28 emergency housing needs other than those needs addressed by
29 paragraph (2). These needs shall be caused by sudden and unusual
30 circumstances beyond the control of the needy family. The
31 department shall establish the allowance for each of the
32 nonrecurring special needs items. The sum of all nonrecurring
33 special needs provided by this subdivision shall not exceed six
34 hundred dollars (\$600) per event.

35 (2) (A) Homeless assistance is available to a homeless family
36 seeking shelter when the family is eligible for aid under this
37 chapter. Homeless assistance for temporary shelter is also available
38 to homeless families that are apparently eligible for aid under this
39 chapter. Apparent eligibility exists when evidence presented by
40 the applicant, or that is otherwise available to the county welfare

1 department, and the information provided on the application
2 documents indicate that there would be eligibility for aid under
3 this chapter if the evidence and information were verified.
4 However, an alien applicant who does not provide verification of
5 his or her eligible alien status, or a woman with no eligible children
6 who does not provide medical verification of pregnancy, is not
7 apparently eligible for purposes of this section.

8 (B) A family is considered homeless, for the purpose of this
9 section, when the family lacks a fixed and regular nighttime
10 residence; or the family has a primary nighttime residence that is
11 a supervised publicly or privately operated shelter designed to
12 provide temporary living accommodations; or the family is residing
13 in a public or private place not designed for, or ordinarily used as,
14 a regular sleeping accommodation for human beings. A family is
15 also considered homeless for the purpose of this section if the
16 family has received a notice to pay rent or quit. The family shall
17 demonstrate that the eviction is the result of a verified financial
18 hardship as a result of extraordinary circumstances beyond their
19 control, and not other lease or rental violations, and that the family
20 is experiencing a financial crisis that could result in homelessness
21 if preventative assistance is not provided.

22 (3) (A) (i) A nonrecurring special needs benefit of sixty-five
23 dollars (\$65) a day shall be available to families of up to four
24 members for the costs of temporary shelter, subject to the
25 requirements of this paragraph. The fifth and additional members
26 of the family shall each receive fifteen dollars (\$15) per day, up
27 to a daily maximum of one hundred twenty-five dollars (\$125).
28 County welfare departments may increase the daily amount
29 available for temporary shelter as necessary to secure the additional
30 bedspace needed by the family.

31 (ii) This special needs benefit shall be granted or denied
32 immediately upon the family's application for homeless assistance,
33 and benefits shall be available for up to three working days. The
34 county welfare department shall verify the family's homelessness
35 within the first three working days and, if the family meets the
36 criteria of questionable homelessness established by the
37 department, the county welfare department shall refer the family
38 to its early fraud prevention and detection unit, if the county has
39 such a unit, for assistance in the verification of homelessness within
40 this period.

1 (iii) After homelessness has been verified, the three-day limit
2 shall be extended for a period of time which, when added to the
3 initial benefits provided, does not exceed a total of 16 calendar
4 days. This extension of benefits shall be done in increments of one
5 week and shall be based upon searching for permanent housing
6 which shall be documented on a housing search form, good cause,
7 or other circumstances defined by the department. Documentation
8 of a housing search shall be required for the initial extension of
9 benefits beyond the three-day limit and on a weekly basis thereafter
10 as long as the family is receiving temporary shelter benefits. Good
11 cause shall include, but is not limited to, situations in which the
12 county welfare department has determined that the family, to the
13 extent it is capable, has made a good faith but unsuccessful effort
14 to secure permanent housing while receiving temporary shelter
15 benefits.

16 (B) (i) A nonrecurring special needs benefit for permanent
17 housing assistance is available to pay for last month's rent and
18 security deposits when these payments are reasonable conditions
19 of securing a residence, or to pay for up to two months of rent
20 arrearages, when these payments are a reasonable condition of
21 preventing eviction.

22 (ii) The last month's rent or monthly arrearage portion of the
23 payment (I) shall not exceed 80 percent of the family's total
24 monthly household income without the value of CalFresh benefits
25 or special needs benefit for a family of that size and (II) shall only
26 be made to families that have found permanent housing costing
27 no more than 80 percent of the family's total monthly household
28 income without the value of CalFresh benefits or special needs
29 benefit for a family of that size.

30 (iii) However, if the county welfare department determines that
31 a family intends to reside with individuals who will be sharing
32 housing costs, the county welfare department shall, in appropriate
33 circumstances, set aside the condition specified in subclause (II)
34 of clause (ii).

35 (C) The nonrecurring special needs benefit for permanent
36 housing assistance is also available to cover the standard costs of
37 deposits for utilities which are necessary for the health and safety
38 of the family.

39 (D) A payment for or denial of permanent housing assistance
40 shall be issued no later than one working day from the time that a

1 family presents evidence of the availability of permanent housing.
2 If an applicant family provides evidence of the availability of
3 permanent housing before the county welfare department has
4 established eligibility for aid under this chapter, the county welfare
5 department shall complete the eligibility determination so that the
6 denial of or payment for permanent housing assistance is issued
7 within one working day from the submission of evidence of the
8 availability of permanent housing, unless the family has failed to
9 provide all of the verification necessary to establish eligibility for
10 aid under this chapter.

11 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
12 for the temporary shelter assistance and the permanent housing
13 assistance pursuant to this paragraph shall be limited to one period
14 of up to 16 consecutive calendar days of temporary assistance and
15 one payment of permanent assistance. Any family that includes a
16 parent or nonparent caretaker relative living in the home who has
17 previously received temporary or permanent homeless assistance
18 at any time on behalf of an eligible child shall not be eligible for
19 further homeless assistance. Any person who applies for homeless
20 assistance benefits shall be informed that the temporary shelter
21 benefit of up to 16 consecutive days is available only once in a
22 lifetime, with certain exceptions, and that a break in the consecutive
23 use of the benefit constitutes permanent exhaustion of the
24 temporary benefit.

25 (ii) A family that becomes homeless as a direct and primary
26 result of a state or federally declared natural disaster shall be
27 eligible for temporary and permanent homeless assistance.

28 (iii) A family shall be eligible for temporary and permanent
29 homeless assistance when homelessness is a direct result of
30 domestic violence by a spouse, partner, or roommate; physical or
31 mental illness that is medically verified that shall not include a
32 diagnosis of alcoholism, drug addiction, or psychological stress;
33 or, the uninhabitability of the former residence caused by sudden
34 and unusual circumstances beyond the control of the family
35 including natural catastrophe, fire, or condemnation. These
36 circumstances shall be verified by a third-party governmental or
37 private health and human services agency, except that domestic
38 violence may also be verified by a sworn statement by the victim,
39 as provided under Section 11495.25. Homeless assistance payments
40 based on these specific circumstances may not be received more

1 often than once in any 12-month period. In addition, if the domestic
2 violence is verified by a sworn statement by the victim, the
3 homeless assistance payments shall be limited to two periods of
4 not more than 16 consecutive calendar days of temporary assistance
5 and two payments of permanent assistance. A county may require
6 that a recipient of homeless assistance benefits who qualifies under
7 this paragraph for a second time in a 24-month period participate
8 in a homelessness avoidance case plan as a condition of eligibility
9 for homeless assistance benefits. The county welfare department
10 shall immediately inform recipients who verify domestic violence
11 by a sworn statement of the availability of domestic violence
12 counseling and services, and refer those recipients to services upon
13 request.

14 (iv) If a county requires a recipient who verifies domestic
15 violence by a sworn statement to participate in a homelessness
16 avoidance case plan pursuant to clause (iii), the plan shall include
17 the provision of domestic violence services, if appropriate.

18 (v) If a recipient seeking homeless assistance based on domestic
19 violence pursuant to clause (iii) has previously received homeless
20 avoidance services based on domestic violence, the county shall
21 review whether services were offered to the recipient and consider
22 what additional services would assist the recipient in leaving the
23 domestic violence situation.

24 (vi) The county welfare department shall report necessary data
25 to the department through a statewide homeless assistance payment
26 indicator system, as requested by the department, regarding all
27 recipients of aid under this paragraph.

28 (F) The county welfare departments, and all other entities
29 participating in the costs of the CalWORKs program, have the
30 right in their share to any refunds resulting from payment of the
31 permanent housing. However, if an emergency requires the family
32 to move within the 12-month period specified in subparagraph
33 (E), the family shall be allowed to use any refunds received from
34 its deposits to meet the costs of moving to another residence.

35 (G) Payments to providers for temporary shelter and permanent
36 housing and utilities shall be made on behalf of families requesting
37 these payments.

38 (H) The daily amount for the temporary shelter special needs
39 benefit for homeless assistance may be increased if authorized by

1 the current year's Budget Act by specifying a different daily
2 allowance and appropriating the funds therefor.

3 (I) No payment shall be made pursuant to this paragraph unless
4 the provider of housing is a commercial establishment, shelter, or
5 person in the business of renting properties who has a history of
6 renting properties.

7 (g) The department shall establish rules and regulations ensuring
8 the uniform statewide application of this section.

9 (h) The department shall notify all applicants and recipients of
10 aid through the standardized application form that these benefits
11 are available and shall provide an opportunity for recipients to
12 apply for the funds quickly and efficiently.

13 (i) ~~(A)~~-(1) Except for the purposes of Section 15200, the
14 amounts payable to recipients pursuant to Section 11453.1 shall
15 not constitute part of the payment schedule set forth in subdivision
16 (a).

17 ~~(B)~~-(2) The amounts payable to recipients pursuant to Section
18 11453.1 shall not constitute income to recipients of aid under this
19 section.

20 (j) For children receiving Kin-GAP pursuant to Article 4.5
21 (commencing with Section 11360) or Article 4.7 (commencing
22 with Section 11385) there shall be paid, exclusive of any amount
23 considered exempt as income, an amount of aid each month, which,
24 when added to the child's income, is equal to the rate specified in
25 Sections 11364 and 11387.

26 (k) (1) A county shall implement the semiannual reporting
27 requirements in accordance with Chapter 501 of the Statutes of
28 2011 no later than October 1, 2013.

29 (2) Upon completion of the implementation described in
30 paragraph (1), each county shall provide a certificate to the director
31 certifying that semiannual reporting has been implemented in the
32 county.

33 (3) Upon filing the certificate described in paragraph (2), a
34 county shall comply with the semiannual reporting provisions of
35 this section.

36 SEC. 2. No appropriation pursuant to Section 15200 of the
37 Welfare and Institutions Code shall be made for purposes of
38 implementing this act.

39 SEC. 3. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

O